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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 UNITED STATES OF AMERICA,)	CASE NO. 19-CR-00408-CRB
)	
14 Plaintiff,)	[PROPOSED] DETENTION ORDER
)	
15 v.)	
)	
16 DEMARCO SHAW,)	
)	
17 Defendant.)	
)	

18
19 On August 27, 2019, defendant Demarco Shaw was charged by indictment with (1) Possession
20 of Child Pornography, in violation of 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2), and (2) Use of a Facility of
21 Interstate Commerce to Entice a Minor to Engage in Criminal Sexual Activity, in violation of 18 U.S.C.
22 § 2422(b).

23 This matter came before the Court on September 11, 2019 for a detention hearing. The
24 defendant was present and represented by Jodi Linker of the Federal Public Defender's Office.
25 Assistant United States Attorney Ross Weingarten appeared for the government. The government
26 moved for detention and the defendant opposed. At the hearing, counsel submitted proffers and
27 arguments regarding detention.

28 Upon consideration of the court file and the parties' proffers at the detention hearing, the Court

1 finds by a preponderance of the evidence that no combination of conditions will reasonably assure the
2 defendant's appearance as required, and by clear and convincing evidence that no condition or
3 combination of conditions will reasonably assure the safety of the community. Accordingly, the Court
4 orders the defendant detained pending trial.

5 The present order supplements the Court's findings and order at the detention hearing and serves
6 as written findings of fact and a statement of reasons as required by Title 18, United States Code,
7 Section 3142(i)(1).

8 As further noted on the record during the detention hearing, and after considering all of the facts
9 and proffers presented at the hearing, including the information contained in the Pretrial Services report,
10 the Court finds, by a preponderance of the evidence, that no condition or combination of conditions will
11 reasonably assure the defendant's appearance as required, and, by clear and convincing evidence, that no
12 condition or combination of conditions will reasonably assure the safety of the community, including
13 because of: (1) the nature and seriousness of the charged offense in this case, combined with the fact that
14 the defendant has a prior conviction for a similar offense; and (2) the defendant's conduct in fleeing
15 from police at least twice in recent months, repeatedly misstating his age and relationship to the alleged
16 victim, and his violations of an Emergency Protective Order relating to the alleged victim.

17 These findings are made without prejudice to the defendant's right to seek review of his
18 detention, or to file a motion for reconsideration if circumstances warrant it.

19 Accordingly, pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

20 1. The defendant be, and hereby is, committed to the custody of the Attorney General for
21 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving
22 sentences or being held in custody pending appeal;

23 2. The defendant be afforded reasonable opportunity for private consultation with counsel;
24 and

25 3. On order of a court of the United States or on request of an attorney for the government,
26 the person in charge of the corrections facility in which the defendant is confined shall deliver the
27 defendant to an authorized United States Marshal for the purpose of any appearance in connection with a
28 //

1 court proceeding.

2
3 IT IS SO ORDERED.

4
5 DATED: 9/17/19



HONORABLE JOSEPH C. SPERO
United States Chief Magistrate Judge